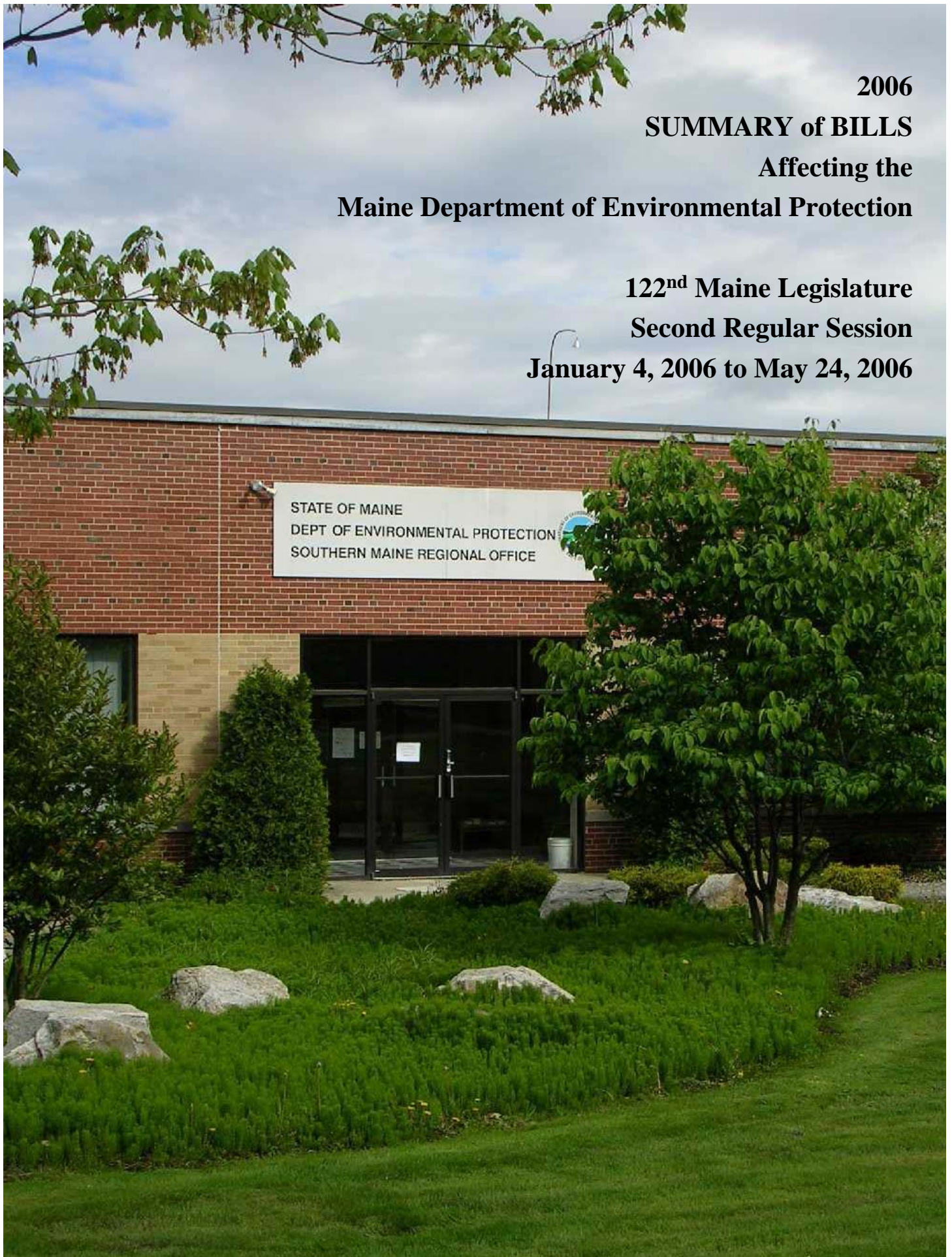


**2006
SUMMARY of BILLS
Affecting the
Maine Department of Environmental Protection**

**122nd Maine Legislature
Second Regular Session
January 4, 2006 to May 24, 2006**



2006 122nd LEGISLATURE SECOND REGULAR SESSION

SUMMARY OF BILLS

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NOTE: The general effective date for non-emergency laws enacted in the Second Regular Session is August 23, 2006.

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(This summary is intended for general information only. It is not intended for use as a legal reference.)

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Bureau of Air Quality

Bureau of Air Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
2043	An Act to Further Reduce Mercury Use and Emissions	NAT	Signed: 04/14/06	PL 2005 C. 590

This bill does the following:

- 1.) It reduces the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010.
- 2.) It requires that any facility that emits more than 10 pounds of mercury per year submit to the DEP a mercury reduction plan by September 1, 2008.
- 3.) It provides that the DEP may keep information contained in a mercury reduction plan confidential if the information is a trade secret or production, commercial or financial information, the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.
- 4.) It requires the DEP to submit a report to the Natural Resources Committee no later than March 1, 2009 summarizing the mercury emissions and mercury reduction potential from those emission sources subject to this bill.

Sponsor: Senator Cowger

Bureau
of
Land and Water Quality

Bureau of Land and Water Quality

LD	TITLE	COMMITTEE	RESULT	REFERENCE
635	An Act Relating to Community Sanitary Districts	UTE	Signed: 04/10/06	PL 2005 C. 556
<p>This bill authorizes the creation of community sanitary districts to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development. These districts are established in the same manner as sanitary districts, except that the Board of Environmental Protection must make certain findings before approving the creation of a community sanitary district. A community sanitary district has many of the powers and duties of a sanitary district, with certain modifications to achieve the limited purposes of a community sanitary district.</p> <p>The bill also authorizes the commissioner of DEP to establish reasonable application fees for processing applications for the formation of both sanitary districts as well as community sanitary districts. The commissioner is required to place these fees into a nonlapsing dedicated revenue account, and funds from the account may be used by the department or the board only to pay costs associated with processing applications for the formation of either sanitary districts or community sanitary districts.</p> <p>Sponsor: Representative Koffman</p>				
816	An Act To Replace the Common Enemy Rule with Regard to Changing the Flow of Surface Water	JUD	Signed: 04/11/06	PL 2005 C. 564
<p>This bill changes the applicable rule governing alteration of surface water flow that affects another person's land. Existing Maine case law applies the "common enemy rule" to define a landowner's responsibility for altering the flow of surface water, also known as "diffuse surface water," that affects another's land. This bill adopts the "reasonable use rule" and establishes as a nuisance the unreasonable use of a person's land that results in the altering of the flow of surface water that unreasonably injures another's land or that unreasonably interferes with the reasonable use of another's land.</p> <p>This bill is intended to change the principle of legal liability in this State concerning altering the flow of surface water that results in injury to another person's land or injury to the use of another person's land. It rejects the "common enemy rule" and adopts the "reasonable use rule".</p> <p>Lastly, this bill 1.) takes effect January 1, 2007, 2.) applies to actions for which the cause of action accrues on or after that date; and 3.) requires that actions be commenced within 3 years after the cause of action accrues.</p> <p>Sponsor: Senator Andrews</p>				
1338	Resolve, To Require the Reporting of Mercury Amalgam Supplied to Dentists	NAT	Signed: 03/27/06	Res. 2005 C. 143
<p>This resolve requires any person that supplies mercury amalgam to dentists in Maine to report to the DEP the volume of amalgam supplied. The reports must be submitted annually for 3 years beginning in 2007. The resolve also requires the department, in consultation with the Board of Dental Examiners, to annually report to the Natural Resources Committee on the quantity of amalgam supplied to dentists and dental offices in Maine.</p> <p>Sponsor: Senator Damon</p>				

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LD	TITLE	COMMITTEE	RESULT	REFERENCE
1736	An Act To Amend the Charter of the Boothbay Harbor Sewer District	UTE	Signed: 03/2/06 Emergency	P&SL 2005 C. 34
<p>This bill extends the territory of the Boothbay Harbor Sewer District to include all of the territory of the Town of Boothbay. The bill also increases the debt limit of the Boothbay Harbor Sewer District from \$5,500,000 to \$8,500,000.</p> <p>Sponsor: Representative Bishop</p>				
1774	An Act To Improve the Water Quality and Safety of Phillips Lake	NAT	Signed: 03/30/06 Emergency	P&SL 2005 C.44
<p>This bill specifies that the dam constructed by the Lucerne-in –Maine Village Corporation on Philips Lake in Dedham must be constructed, operated and maintained at no higher than 227 feet above sea level and at a width that is no less than the current width of the dam unless a water level regime is established by the DEP pursuant to State Law.</p> <p>Sponsor: Representative Rosen</p>				
1776	An Act To Establish the Maine Agricultural Water Management Board and the Sustainable Agricultural Water Source Program	ACF	Signed: 04/10/06 Emergency	PL 2005 C. 559
<p>This bill establishes the Maine Agricultural Water Management Board (MAWMB) and the sustainable agricultural water source program. The Commissioner of Environmental Protection or the commissioner's designee is a member of the 9 person board. The board, working in conjunction with the DEP, is required to do the following tasks:</p> <ul style="list-style-type: none"> A. Oversee and coordinate the environmentally sound and affordable development of water sources for agricultural use; B. Make recommendations for improvements to federal and state permitting processes for the development of farm ponds and other water sources for agricultural use; C. Work to secure funding for the construction of environmentally sound, efficient and affordable water sources for agricultural use; D. Use data generated by water withdrawal reports under Title 38, section 470-D and other available information to prioritize watersheds needing alternative water sources for agricultural use and the allocation of funding; and E. Facilitate the implementation of the sustainable agricultural water source program. Upon request of the MAWMB, the department or a person using or proposing to use surface waters for agricultural purposes, the DEP is required to determine site-specific flow standards and water levels for a water body used or being considered for use as a water source for agriculture. 				

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Lastly, the bill specifies that nothing in the responsibilities or actions of the board limits the enforcement or compliance authority of the DEP.

Sponsor: Senator Weston

1860	An Act Concerning Certain Provisions Regarding Protection of Natural Resources Related to Activities in Coastal Areas (DEP Bill)	NAT	Signed: PL 2005 04/06/06 C. 548 Emergency
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This bill repeals a provision in Maine Law prohibiting the DEP from denying a permit for reconstruction of a structure solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program. The bill also clarifies the emergency actions a property owner may take without a permit when the integrity of a seawall, bulkhead, retaining wall or similar structure in a coastal sand dune system is destroyed or threatened. It also provides standards for approval by the DEP of a permit by rule for the repair or replacement of a structure that has been destroyed or threatened.

Sponsor: Representative Koffman

1871	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Purchase the Department of Labor Building at 19 Union Street in Augusta and To Determine the Feasibility of Acquiring a Parcel of land for Use as a Parking Lot by the Maine Criminal Justice Academy (Governor's Bill)	SLG	Signed: Res. 2005 05/30/06 C. 214
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This resolve authorizes the Commissioner of Administrative and Financial Services (DAFS), upon consultation with the Commissioner of Public Safety (DPS) and the Department of Environmental Protection (DEP), to determine the feasibility of acquiring a parcel of land across from the Maine Criminal Justice Academy for use as a parking lot by the academy. The resolve requires the Commissioner of DAFS to consider the cost and environmental and visual impact of the location in comparison to other potential locations for the parking lot and to consult with DEP to determine the environmental impact. The Commissioner of DAFS is required to complete the determination no later than January 1, 2007 and report the commissioner's recommendation to the Commissioner of DPS and the State and Local Government Committee by January 15, 2007.

Sponsor: Representative Barstow

1977	Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection, Extending the Deadline for the Repeal of the Current Coastal Sand Dune Rules and Convening the Beaches Advisory Group	NAT	Signed: Res. 2005 04/10/06 C. 175 Emergency
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This resolve authorizes final adoption of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the DEP, provided that a number of certain specified changes are made to the rule. The resolve also changes the date that the current coastal sand dune rules are repealed in order to provide the DEP the necessary time to finally adopt the rules authorized by this resolve. The resolve also directs the SPO, with the DEP and MGS to convene the Beaches Advisory Group. Beginning January 1,

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2007, the Beaches Advisory Group is required to annually submit a report to the Natural Resources Committee summarizing the discussions of the advisory group and including any recommendations. The Natural Resources Committee is authorized to report out legislation to any session of the Legislature regarding Maine's beaches.

Sponsor: Introduced by Representative Koffman

1981	Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection	NAT	Signed: 04/12/06	Res. 2005 C. 183
			Emergency	

This resolve authorizes final adoption of Chapter 335: Significant Wildlife Habitat Rules, a provisionally adopted major substantive rule of the DEP provided that a number of certain specified changes are made to the rule. The resolve also provides an implementation date of September 1, 2007 for the provisions of the rule regarding significant vernal pool habitats. It also requires the DEP to report on the implementation of the significant wildlife habitat rules to the Natural Resources Committee by January 1, 2009. The Natural Resources Committee is authorized to report out legislation relating to the report to the First Regular Session of the 124th Legislature.

Sponsor: Introduced by Representative Koffman

2035	An Act Regarding Stormwater Program Administration	NAT	Signed: 04/27/06	PL 2005 C. 602
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This bill establishes an annual fee of up to \$300 for a general permit for industrial storm water discharges issued pursuant to the waste discharge laws. It is estimated that this fee will increase dedicated revenue to the Maine Environmental Protection Fund by \$150,000 in fiscal year 2006-07, by \$175,000 in fiscal year 2007-08 and by \$225,000 in fiscal year 2008-09.

The bill also does the following:

- 1.) It allows municipalities one year to bring their local storm water ordinances into compliance with any new or amended storm water rules that the DEP adopts after the effective date of this bill.
- 2.) It designates storm water rules as routine technical rules except for rules that are state mandates.
- 3.) It designates certain rules regarding the storage of petroleum products and quarries and borrow pits as routine technical rules until March 1, 2007.
- 4.) It directs the DEP to report to the Natural Resources Committee on what, if any, activities or standard industrial codes should be added to the industrial storm water program.
- 5.) It allows the DEP, if rules are enacted or amended that will significantly alter a plan for development that has already received a planning permit, to require the permittee to comply with the rules that were in effect at the time the planning permit was issued and, if practicable, additional requirements in the new or amended rules.

Sponsor: Representative Koffman

2037	Resolve, Regarding Source Water Protection Recommendations	NAT	Signed: 03/22/06	Res. 2005 C. 140
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This resolve requires the Drinking Water Program within the Department of Health and Human Services, in consultation with the Department of Environmental Protection, the Department of Conservation, Maine

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Geological Survey and the Department of Agriculture, Food and Rural Resources, to establish and implement a process to allow public comment on the recommendations regarding source water protection described in a report dated February 2006 that was submitted by the Drinking Water Program to the Joint Standing Committee on Natural Resources pursuant to Resolve 2005, chapter 29.

Sponsor: Introduced by Senator Cowger

2070	Resolve, To Ensure the Availability of Public Drinking Water Supplies	NAT	Signed: 04/13/06	Res. 2005 C. 190
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This resolve directs the DEP to work with stakeholders to develop rules related to water withdrawals, and any necessary statutory amendments, that reconcile the objectives of protecting aquatic life and other designated uses and the ability of community public water systems to use their existing water supplies for the purpose of providing water service. The DEP is required to submit proposed rules to the Board of Environmental Protection for consideration and, as necessary, shall propose statutory changes. The proposed statutory changes must be submitted to the Natural Resources Committee by January 1, 2007. Lastly, the resolve authorizes the Natural Resources Committee to report out legislation to the First Regular Session of the 123rd Legislature.

Sponsor: Senator Weston

2071	An Act To Increase Wetland Protection	NAT	Signed: 04/14/06	PL 2005 C. 592
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This bill does the following:

- 1.) It adds a requirement providing that projects qualifying for Tier 1 review must meet the habitat standards under 38 MRSA, section 480-D, subsection 3.
- 2.) It changes the permit processing period for an application for Tier 1 activities from 30 days to 45 days.
- 3.) It allows the DEP to base its approval of a compensation project on the wetland management priorities identified by the department for the biophysical region or the watershed in which the project is located.
- 4.) It requires the DEP to amend the rules regarding wetland compensation to lower the threshold for the amount of wetland impact that triggers wetland compensation from 20,000 square feet to 15,000 square feet.

Sponsor: Introduced by Representative Koffman

2090	Resolve, Regarding Legislative Review of Portions of Chapter 10: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife	NAT	Signed: 05/04/06 Emergency	Res. 2005 C. 208
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This resolve authorizes the final adoption of Chapter 10: Significant Wildlife Habitat, a provisionally adopted major substantive rule of the Department of Inland Fisheries and Wildlife provided that the rule is amended so that the definition of "shorebird coastal feeding area" includes a zone of 250 feet around the feeding area.

Sponsor: Introduced by Representative Watson

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LD	TITLE	COMMITTEE	RESULT	REFERENCE
1888	An Act To Amend Certain Laws Administered by the Department of Environmental Protection (DEP Bill)	NAT	Signed: 04/10/06	PL 2005 C. 561

This bill makes the following changes or additions to the laws administered by the DEP.

1. It removes a rule-making requirement related to the identification of invasive species thereby making the definition of “invasive aquatic plant” more consistent with the definition of “invasive species” elsewhere in statute.
2. It amends the erosion control standard in the quarry and gravel pit laws and adds a definition of "working pit" to the quarry law.
3. It allows the Legislature to allocate up to \$250,000 per year from the Maine Coastal and Inland Surface Oil Clean-up Fund for research and development.
4. It amends the law governing the siting of underground oil storage facilities to clarify that the owner of an abandoned underground oil facility may not make use of the statutory exemption allowing expansion of existing facilities within 1,000 feet of a public drinking water supply or 300 feet of a private drinking water supply.
5. It streamlines the manufacturer reporting requirements under the law governing recycling of televisions and computer monitors, and allows sales figures reported to the DEP by electronics manufacturers to be kept confidential.
6. It corrects the date by which the Land and Water Resources Council must submit its final report regarding the study of state regulation of groundwater withdrawal.
7. It requires automobile manufacturers to pay a minimum of \$4 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is provided and a minimum of \$3 for a mercury switch brought to a consolidation facility if the vehicle identification number of the source vehicle is not provided. The bill retains until 45 days after the effective date of the legislation the requirement that manufacturers pay a minimum of \$3 for a mercury switch brought to a consolidation facility without a vehicle identification number as long as the switch is accompanied by signed certification that the switch was removed from a vehicle dismantled in Maine. After the 45 days, if the vehicle identification number is not provided, no payment is required.

Sponsor: Representative Koffman

1968	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007 (Governor’s Bill)	AFA	Signed: 03/29/06	PL 2005 C. 519 Emergency
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This is the State’s supplemental budget bill for FY 06 (July 1, 2005 to June 30, 2006) and FY 07 (July 1, 2006 to June 30, 2007). Included in the bill is a \$680, 981 General Fund appropriation in FY 06 and FY 07 to the Bureau of Remediation and Waste Management to supplement a shortfall in the Hazardous Waste Fund in order to provide for the response to clean up hazardous waste releases.

Sponsor: Representative Brannigan

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LD	TITLE	COMMITTEE	RESULT	REFERENCE
2041	Act To Enhance Maine's Energy Independence and Security (Governor's Bill)	UTE	Signed: 06/01/06	PL 2005 C. 677
<p>This bill establishes the Maine Energy Council to evaluate matters affecting electricity supply and costs to consumers in Maine and to provide recommendations to the Governor, the Public Utilities Commission, other appropriate state agencies and the Legislature regarding these matters. The Commissioner of Environmental Protection or the commissioner's designee is one of 17 members of the council.</p> <p>Sponsor: Representative Fletcher</p>				
2102	An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules	SLG	Signed: 04/13/06	PL 2005 C. 586
<p>This bill changes the date for agency submission of provisionally adopted major substantive rules from 45 days prior to statutory adjournment to the close of business on the 2nd Friday in January of the year in which the rules are to be considered by the Legislature.</p> <p>Sponsor: Introduced by Senator Schneider</p>				
2111	An Act To Implement the Recommendations of the Freedom of Access Advisory Committee	JUD	Signed: 05/04/06	PL 2005 C. 631
<p>This bill establishes the Right To Know Advisory Committee (RTKAC), an advisory council representing all levels and branches of government. The RTKAC has oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying the freedom of access laws. The bill shifts the responsibility for reviewing existing public records exceptions from the Judiciary Committee to the RTKAC. The bill provides flexibility for review of exceptions outside of the listed schedule and authorizes the RTKAC to make recommendations for changes in the statute to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The bill authorizes the Judiciary Committee to report out legislation based on the advisory committee's recommendations.</p> <p>The bill also revises the schedule for review of existing public records exceptions and includes in the review the question of whether there is a publicly accountable entity with authority to review the activities of the agency or official that collects, maintains and uses confidential information.</p> <p>Lastly, the bill specifies that the RTKAC is repealed 90 days after adjournment of the Second Regular Session of the 123rd Legislature.</p> <p>Sponsor: Introduced by Representative Simpson</p>				

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141	An Act To Ensure Proper Disposal of Debris and Protection of the Environment	NAT	Signed: 05/02/06	PL 2005 C. 617 Emergency
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This bill limits the amount of wood from construction and demolition debris that may be substituted for conventional fuel in a boiler. It may not exceed 50% of the total fuel by weight combusted on an average annual basis. The bill also requires the Board of Environmental Protection to adopt specific rules regarding beneficial use of solid waste, transfer stations and storage sites for solid waste, water quality monitoring, leachate monitoring, waste characterization and processing facilities. The bill requires the DEP to evaluate and submit reports to the Natural Resources Committee by February 1, 2007 on the following:

- the feasibility of requiring best available control technology,
- source separation and state-of-the-art processing of construction and demolition debris,
- the effects of allowing more than 50% of construction and demolition debris wood fuel to be combusted on an average annual basis.

Lastly, the bill authorizes the Natural Resources Committee to report out legislation relating to these reports to the First Regular Session of the 123rd Legislature.

Sponsor: Senator Martin

1058	An Act To Regulate the Use of Batteries Containing Mercury	NAT	Signed: 03/27/06	PL 2005 C. 509
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This bill bans the sale, after June 30, 2011, of mercury-added button cell batteries and consumer products that contain mercury-added button cell batteries. It also directs the DEP to report to the Natural Resources Committee, by January 15, 2009, on the state of the technology of mercury-free button cell batteries.

Sponsor: Senator Cowger

1064	An Act To Clarify the Laws Governing Agricultural Composting Operations	ACF	Signed: 05/30/06	PL 2005 C. 638
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This bill establishes definitions for “composting” and for “agricultural composting operation” under the statutes governing nuisances with respect to farms. Under the bill, “composting” means the controlled aerobic decomposition of organic materials to produce a soil-like product beneficial to plant growth and suitable for agronomic use. “Agricultural composting operation” means composting that takes place on a farm. “Agricultural composting operation” does not include an operation that involves nonorganic municipal solid waste or that composts municipal sludge, septage, industrial solid waste or industrial sludge. “Agricultural composting operation” does not include an operation that composts materials with a moderate or high risk of contamination from heavy metals, volatile and semivolatile organic compounds, polychlorinated biphenyls or dioxin.

The bill requires the Commissioner of Agriculture, Food and Rural Resources (DAFRR) to conduct an educational outreach program for the agricultural community to increase awareness of the provisions of this law and the currently adopted best management practices of DAFRR. The commissioner is required

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to inform the public about the provisions of this law, the complaint resolution process adopted by DAFRR and state policy with respect to preservation and protection of agricultural and natural resources.

Sponsor: Senator Woodcock

1740	An Act to Establish the Athens Standard Water District	UTE	Signed: P&SL 2005 03/02/06 C. 32
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As it concerns the DEP, this bill clarifies that the management and allocation of a contribution of funds by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1364, subsection 5 and the income from those funds are not subject to investigation or review by the Public Utilities Commission, except upon request by DEP.

Sponsor: Senator Mills

1768	An Act To Prevent Motor Fuel Spills from Aboveground Storage Tanks That Have Underground Piping (DEP Bill)	NAT	Signed: PL 2005 03/16/06 C. 491
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This DEP bill requires aboveground motor fuel storage tanks that have underground piping to be 1.) registered with the DEP, 2.) assessed an annual \$35 registration fee; and 2.) inspected annually. These requirements would take effect January 1, 2007 and would mirror those currently required for underground oil storage tanks. However, the requirements would not apply to tanks or piping at facilities used to store diesel fuel until July 1, 2009.

The bill also requires that, beginning January 1, 2011, underground piping installed at an aboveground motor fuel storage facility before June 24, 1991 must meet the same leak detection requirements that apply to piping installed after that date. However, in the case of fleet fueling or retail facilities, the DEP commissioner is authorized to approve leak detection methods other than those required under Board of Environmental Protection Rules when warranted by the nature and design of the facility and piping.

Sponsor: Senator Cowger

1777	Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management	NAT	Signed: Res. 2005 05/04/06 C. 207 Emergency
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This resolve establishes the Blue Ribbon Commission on Solid Waste Management to undertake a comprehensive study of solid waste management in Maine. The resolve requires the DEP to provide primary staff support to the commission.

The commission is required to give priority consideration to the following issues:

- 1.) The State's importation and exportation of municipal solid waste and construction and demolition debris. The commission's review must include an evaluation of the economic and environmental impacts of the importation, processing and disposal of construction and demolition debris and of any imposed limitation on the burning of construction and demolition debris;

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2.) A management structure for how solid waste should be managed in the State, taking into consideration the current management structure for solid waste in the State, trends in solid waste management, solid waste management models, state solid waste policies, future solid waste management needs of the State and the work done by the State Planning Office, and

3.) The solid waste management hierarchy as specified in Title 38, section 2101.

The commission is also required to review the following:

1.) The definition of "host community" for the purpose of eligibility for host community benefits;

2.) Municipal solid waste incineration;

3.) The state recycling and waste reduction goals specified in Title 38, section 2132; and

4.) Other matters considered relevant by the commission.

The resolve authorizes the commission to hold 10 meetings, including at least one meeting at which the commission provides an opportunity for public comment. The resolve also requires the commission to submit a report of its findings, together with any necessary implementing legislation, to the Natural Resources Committee by no later than January 1, 2007. The report must include recommendations with respect to the appropriate solid waste management regime in Maine, including the management of construction and demolition debris, and the appropriate solid waste management hierarchy for the State. The Natural Resources Committee is authorized to report out a bill during the First Regular Session of the 123rd Legislature concerning the findings and recommendations of the commission.

Sponsor: Senator Cowger

1792	An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats	NAT	Signed: 04/10/06	PL 2005 C. 558
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This bill does the following:

1. It requires manufacturers of mercury-added thermostats to individually or collectively provide for the collection and recycling of out-of-service mercury-added thermostats
2. It requires the DEP to develop a manufacturer financial incentive plan.
3. It bans the sale of all thermostats of a manufacturer that is not in compliance with the law.
4. It sets goals for the collection and recycling of mercury-added thermostats.
5. It requires the DEP to annually report to the Natural Resources Committee by March 15th of each year on the collection and recycling of mercury-added thermostats in the State.

Sponsor: Senator Martin

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1795	An Act To Ensure the Long-term Capacity of Municipal Landfills	NAT	Signed: 05/01/06	PL 2005 C. 612
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This bill does the following:

- 1.) It provides that publicly owned solid waste landfills are exempt from the definition of "commercial solid waste disposal facility" if until January 1, 2007 the facility accepts only waste that is generated within the State.
- 2.) It provides that "waste that is generated within the State" includes residue and bypass waste generated within the State.
- 3.) It defines "bypass" waste as any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason. This definition is repealed January 1, 2007.
- 4.) It specifies that the DEP may not approve the transfer of an existing license of a municipal solid waste disposal facility to a private entity.

Lastly, the bill sets forth legislative findings by specifying that "Maine's municipalities have the obligation to provide for the disposal of the solid waste generated by their citizens and businesses. Public waste disposal corporations and refuse disposal districts are formed by municipalities to provide for the disposal of the solid waste generated within the geographical boundaries of the participating municipalities. Municipal and public regional landfills, however, are becoming increasingly limited in capacity and expensive to Maine's people. The creation of new municipal and public regional landfills is often prohibitively expensive. The Legislature, in exercising its powers over municipalities, public waste disposal corporations and refuse disposal districts as instrumentalities and creations of the State, seeks to maximize the use of these landfills for the benefit of the people of the State and to prevent their potential diversion to uses by others. This law will ensure that municipal and public regional landfills are used for these public purposes."

Sponsor: Senator Cowger

1840	Resolve, To Study the Recycling of Cellular Telephones	NAT	Signed: 03/27/06	Res. 2005 C. 144
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This resolve directs the DEP to report on the effectiveness of current cellular telephone recycling collection programs in the State. It also authorizes the Natural Resources Committee to report out legislation to the First Regular Session of the 123rd Legislature.

Sponsor: Representative Babbidge

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1971	Resolve, Directing a Review of Clean-up and Minimization Standards for Mold	NAT	Signed: 04/10/06	Res. 2005 C. 174
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This resolve directs the DEP and the Maine Center for Disease Control and Prevention to convene a working group to review issues regarding mold in buildings in the State and, by January 1, 2007, to submit a report with recommendations to the Natural Resources Committee and the Health and Human Services Committee. The resolve also authorizes the Natural Resources Committee to report out legislation to the First Regular Session of the 123rd Legislature pertaining to the cleanup and minimization of mold.

Sponsor: Representative Craven

1975	An Act to Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil (Governor's Bill)	NAT	Signed: 04/06/06	PL 2005 C. 549
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This bill does the following:

- 1.) It increases revenue in the Maine Hazardous Waste Fund by adjusting the fees for the transport and disposal of hazardous waste.
- 2.) It eliminates the disparity between the fee charged for transport of waste within Maine and the fee assessed for waste transported into Maine from another jurisdiction.
- 3.) It authorizes the Board of Environmental Protection to assess a fee for registration of biomedical waste generators.
- 4.) It requires the DEP to prepare a report on the adequacy of the Maine Hazardous Waste Fund and on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil.

The bill will increase dedicated revenue to the Maine Hazardous Waste Fund by an estimated \$394,725 in fiscal year 2006-07 and \$418,450 annually thereafter.

Sponsor: Representative Koffman

Appendices

Appendix I

Bills Tracked by the Department but not Enacted by the Legislature

- 1) 275 An Act To Promote Energy Conservation and a Cleaner Environment
- 2) 308 An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development
- 3) 518 An Act To Regulate Lead-smart Renovators and Lead Sampling Technicians
- 4) 535 An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock
- 5) 852 Resolve, To Require the State To Clean Up Toothaker Pond in Phillips
- 6) 891 An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation
- 7) 1000 An Act Authorizing a General Fund Bond Issue for Wastewater Treatment Systems for Fish Hatcheries
- 8) 1001 An Act To Authorize a General Fund Bond Issue To Construct and Upgrade Water Pollution Control Facilities and Public Water Systems, Clean Up Uncontrolled Hazardous Substance Sites, Remove Hazardous Materials from Schools, Comply with Federal Storm Water Regulations, Make Public Water System Improvements, Replace Air Quality Monitoring Equipment, Establish Hospice Services, Repair State-owned Dams and Remediate Lead Paint
- 9) 1065 An Act To Promote Economic Development and Sustainable Energy
- 10) 1230 An Act To Facilitate and Promote Regional Cooperation
- 11) 1327 An Act To Prohibit the Use of Mercury Fillings
- 12) 1347 Resolve, Directing the Public Utilities Commission To Amend Its Rules Governing Net Energy Billing
- 13) 1455 An Act To Codify Public Records Exceptions
- 14) 1481 An Act To Amend the Laws Governing the Enactment Procedures for Ordinances (**Governor's pocket veto**)
- 15) 1578 An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities
- 16) 1592 An Act Regarding Disposal of Dredged Materials
- 17) 1647 An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants
- 18) 1669 Resolve, To Authorize Certain Host Community Benefits Relative to a Landfill in the City of Old Town Owned by the State
- 19) 1731 An Act To Require That New Road Construction or Repair Include Sidewalks or Bikeways or Both
- 20) 1788 An Act To Confirm the Authority of the City of Saco To Acquire Extraterritorial Facilities
- 21) 1803 An Act To Create a Maine Agricultural Water Source Development and Management Program

- 22) 1877 An Act To Protect the Water Quality of Colcord Pond and Bickford Pond in Porter
- 23) 1905 An Act To Conserve Energy in Maine Homes
- 24) 1925 An Act To Protect Maine's Groundwater Resources
- 25) 1928 An Act Permitting the Recycling of Unused Prescription Drugs
- 26) 1937 An Act To Implement the Recommendations of the Governor's Task Force Regarding the Shutdown of the Maine Energy Recovery Company Trash-burning Facility in Biddeford

Appendix II

Bills Tracked by the Department but which have no Direct Impact on Department Responsibilities

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| 1) | 1234 | An Act To Reestablish the Maine Coast Environmental Trust Fund within the Department of Marine Resources |
| 2) | 1379 | An Act To Amend the Maine Wind Energy Act |
| 3) | 1535 | An Act Making Improvements to the Laws Regarding Local Land Use Ordinances |
| 4) | 1614 | Resolve, Regarding Comprehensive Community Health Coalitions |
| 5) | 1657 | An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides |
| 6) | 1744 | An Act To Create the Washburn Water and Sewer District |
| 7) | 1789 | An Act To Amend the Crime of Aggravated Criminal Mischief |
| 8) | 1802 | An Act To Sustain Good Local Planning Practices |
| 9) | 1833 | An Act To Change the Charter of the Saint Francis Water District |
| 10) | 1863 | An Act To Permit Supplemental Environmental Projects for Forest Practices Violations |
| 11) | 1902 | An Act Concerning Energy Conservation in Schools |
| 12) | 1931 | An Act To Encourage Energy Independence for Maine |
| 13) | 1944 | An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force |
| 14) | 1957 | An Act To Establish the Midcoast Regional Redevelopment Authority |
| 15) | 1970 | An Act To Amend the Charter of the Lisbon Water Department |
| 16) | 1985 | An Act To Make Revisions to the Maine Revised Statutes Relating to Agricultural Fairs |
| 17) | 2018 | An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills |
| 18) | 2072 | An Act To Amend the Definition of "Municipality" as It Relates to the Maine Municipal Bond Bank Act |
| 19) | 2074 | An Act Regarding Energy Efficiency Standards for Residential Rental Properties |

Appendix III

Bills Requiring DEP Rulemaking or Reports / Evaluations to the Legislature

- 1.) LD 141 **An Act To Ensure Proper Disposal of Debris and Protection of the Environment {Public Law 2005 Ch. 617}**
- The Board of Environmental Protection is required to adopt, within 30 days of the effective date of this law, rule amendments to Chapter 418: Beneficial Use of Solid Wastes, Chapter 402: Transfer Stations and Storage Sites for Solid Waste, Chapter 405: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization and Chapter 409: Processing Facilities. Rule amendments adopted after 30 days after the effective date of this law are considered routine technical rules. **Note: The effective date of this law was May 2, 2006 and on May 4, 2006, the BEP voted 5-1-2-2 to adopt the amendments to chapters 402, 405, 409 and 418.**
 - By February 1, 2007, the DEP is required to conduct evaluations of the following issues and submit a report on each issue to the Natural Resources Committee. Each report must include the DEP's findings and recommendations and any proposed legislation:
 - 1.) The feasibility of requiring source separation and state-of-the-art processing that will achieve, to the greatest extent practicable, the removal of all toxic materials from construction and demolition debris prior to combustion in a boiler.
 - 2.) The economic and technological feasibility of requiring all boilers that burn construction and demolition debris to use the best available control technology in order to minimize toxic air emissions.
 - 3.) The effects of allowing the substitution of wood from construction and demolition debris for conventional fuels used in a boiler to exceed 50% of total fuel by weight combusted on an annual average basis if the boiler is designed and constructed for the primary purpose of power generation and not waste disposal; the boiler employs the best available control technology as determined by the department; and all other applicable regulatory standards are met with regard to the facility.
- The Natural Resources Committee is authorized to report out legislation to the First Regular Session of the 123rd Legislature relating to these reports.
- 2.) LD 1058 **An Act To Regulate the Use of Batteries Containing Mercury {Public Law 2005 Ch. 509}**
- By January 15, 2009, the DEP is required to submit a report, including recommendations, on the state of the technology of mercury-free button cell batteries to the Natural Resources Committee. The Natural Resources Committee is authorized to report out legislation related to the department's report to the First Regular Session of the 124th Legislature.

- 3.) **LD 1777** **Resolve, To Establish a Blue Ribbon Commission on Solid Waste Management {Resolve 2005 Ch. 207}**
- The DEP is required to provide primary staff support to the Blue Ribbon Commission on Solid Waste Management. By no later than January 1, 2007, the commission is required to submit a report to the Natural Resources Committee regarding the findings resulting from its comprehensive review of the management of solid waste in Maine. The Natural Resources Committee is authorized to report out a bill during the First Regular Session of the 123rd Legislature concerning the findings and recommendations of the commission.
- 4.) **LD 1792** **An Act To Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats {Public Law 2005 Ch. 558}**
- By March 15, 2007 and annually thereafter, the DEP is required to submit a report to the Natural Resources Committee on the collection and recycling of mercury-added thermostats in Maine. The report due in 2007 must include a description and discussion of the financial incentive plan established under this section and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. The Natural Resources Committee is authorized to report out legislation to the First Regular Session of the 123rd Legislature in connection with the report.
- 5.) **LD 1840** **Resolve, To Study the Recycling of Cellular Telephones {Public Law 2005 Ch. 144}**
- By January 15, 2007, the DEP is required to report to the Natural Resources Committee on the effectiveness of cellular telephone recycling collection programs in the State. The Natural Resources Committee is authorized to report out legislation relating to the department's report to the First Regular Session of the 123rd Legislature.
- 6.) **LD 1888** **An Act To Amend Certain Laws Administered by the Department of Environmental Protection {Public Law 2005 Ch. 638}**
- The work group established under PL 2005 Chapter 452 (An Act To Clarify and Harmonize State Policy on Groundwater Management) to study state regulation of groundwater withdrawal is required to provide updates or reports to the Land and Water Resources Council as determined by the council. By November 1, 2006, the council is required to submit its final report to the Natural Resources Committee.
- 7.) **LD 1971** **Resolve, Directing a Review of Clean-up and Minimization Standards for Mold {Resolve 2005 Ch. 174}**
- By January 1, 2007, the DEP and the Department of Health and Human Services, Maine Center for Disease Control and Prevention are required to report to both the Natural Resources and the Health and Human Services Committees on their working group review of the issues regarding mold in buildings in the State. In the report, the departments are required to summarize the discussions of the working group and present any recommendations, including any proposed legislation, to address the issue of mold. The Natural Resources Committee is authorized to report out legislation to the First Regular Session of the 123rd Legislature pertaining to the cleanup and minimization of mold.

- 8.) LD 1975 **An Act To Ensure Adequate Funding for Cleanup of Hazardous Waste, Biomedical Waste and Waste Oil {Public Law 2005 Ch. 549}**
- By February 1, 2007, the DEP is required to submit a report to the Natural Resources Committee on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil. The report must include an assessment of the adequacy of the Maine Hazardous Waste Fund. The Natural Resources Committee is authorized to report out legislation dealing with the fees for the transport and disposal of hazardous waste to the First Regular Session of the 123rd Legislature.
- 9.) LD 1977 **Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection, Extending the Deadline for the Repeal of the Current Coastal Sand Dune Rules and Convening the Beaches Advisory Group {Resolve 2005 Ch. 175}**
- The DEP is required to make certain amendments to the provisionally adopted version of Chapter 355 of its rules in order for the rule to be finally adopted.
 - Beginning January 1, 2007, the Beaches Advisory Group is required to annually submit a report to the Natural Resources Committee. In the report, the Beaches Advisory Group is required to summarize the discussions of the group and present any recommendations. The Natural Resources Committee is authorized to report out legislation to any session of the Legislature regarding Maine's beaches. The Beaches Advisory Group is repealed on June 30, 2011.
- 10.) LD 1981 **Resolve, Regarding Legislative Review of Portions of Chapter 335: Significant Wildlife Habitat, a Major Substantive Rule of the Department of Environmental Protection {Resolve 2005 Ch. 183}**
- The DEP is required to make certain amendments to the provisionally adopted version of Chapter 335 of its rules in order for the rule to be finally adopted. However, the provisions regarding the regulation of activities in, on, over or adjacent to a significant vernal pool habitat in the rule may not be implemented prior to September 1, 2007.
 - By January 1, 2009, the DEP is required to submit a report to the Natural Resources Committee on the implementation of the Chapter 335 rules. The Natural Resources Committee is authorized to report out legislation relating to the significant wildlife habitat rules report to the First Regular Session of the 124th Legislature.
- 11.) LD 2035 **An Act Regarding Storm Water Program Administration {Public Law 2005 Ch. 602}**
- The DEP is authorized to adopt rules that set forth the standards for granting a variance from the performance standards for quarries. These rules are major substantive rules.
 - By January 1, 2009, the DEP is required to report to the Natural Resources Committee on what, if any, standard industrial codes or activities not covered by a standard industrial code should be added to the industrial storm water program. The report must include the projected revenue from fees and the projected operating costs of extending the storm water program to address these activities through the multisector general permit in 2010. The Natural Resources Committee is authorized to report out legislation related to this report to the First Regular Session of the 124th Legislature.
- 12.) LD 2043 **An Act To Further Reduce Mercury Use and Emissions {Public Law 2005 Ch. 590}**
- By March 1, 2009, the DEP is required to submit a report to the Natural Resources Committee summarizing the mercury emissions and mercury reduction potential from

those emission sources subject to this law. In addition, the department is required to include an evaluation of the appropriateness of the 25-pound mercury standard established in the law. The evaluation must address, but is not limited to, the technological feasibility, cost and schedule of achieving the standards established in this law. The Natural Resources Committee is authorized to report out to the 124th Legislature legislation relating to the evaluation.

13.) LD 2070

Resolve, To Ensure the Availability of Public Drinking Water Supplies {Resolve 2005 Ch. 190}

- The DEP is required to submit to the BEP proposed rules along with any necessary statutory changes to reconcile, to the extent feasible, the objectives of protecting aquatic life and other uses as provided in 38 MRSA section 470-H and the objective of allowing community public water systems to use their existing water supplies to provide water service. The proposed statutory changes must be submitted to the Natural Resources Committee by January 1, 2007. The Natural Resources Committee is authorized to report out legislation to the First Regular Session of the 123rd Legislature in connection with any statutory changes proposed by the DEP.

14.) LD 2071

An Act To Increase Wetland Protection {Public Law 2005 Ch. 592}

- The DEP is required to amend the rules regarding wetland compensation to require wetland compensation for 15,000 square feet or more of impact to freshwater wetlands. Rules adopted pursuant to this law are routine technical rules.